

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Status of Claims

Claims 1-3, 5, 6, and 8-20 are currently pending in the application of which claims 1, 6, 8, and 15 are independent. Claims 6 and 8-14 were rejected. Claims 1-3, 5 and 15-20 were allowed.

By virtue of the amendments above, independent claims 6 and 8 have been amended.

No new matter has been introduced by way of the amendments above. Entry thereof is therefore respectfully requested.

Summary of the Office Action

Claims 1-3, 5, and 15-20 were allowed.

Claims 6 and 8-14 were rejected under 35 U.S.C. 102 (e) as allegedly being anticipated by U.S Patent Application Publication No. 2005/0025134 to Armistead (hereinafter "Armistead").

The aforementioned rejection is respectfully traversed for at least the reasons set forth below.

Drawings

The indication that the Drawings submitted on June 24, 2003 have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 6 and 8-14 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Armistead.

Independent claim 6 has been amended to recite,

determining whether the second node is local to a gateway;

in response to determining the second node is local to the gateway,

routing the packet-switched voice data to the second node on a packet-switched network;

determining whether the second node is a remote node that is not local to the gateway;

in response to determining the second node is a remote node not local to the gateway, converting the packet-switched voice data into second circuit-switched voice data.

In paragraph 7, Armistead discloses that if quality of a packet-switched connection becomes poor, the call can be switched to a circuit-switched connection, and then later switched back to the packet-switched connection. Thus, Armistead does not decide whether to use a circuit-switched connection or a packet-switched connection based on a determination of whether the destination node is remote to a gateway or local to the gateway. Instead, Armistead uses a packet-switched connection unless the connection quality is poor. Thus, in Armistead, the decision is based on the quality of the connection rather than whether the destination node is local or remote from a gateway. Thus, Armistead fails to teach the features described above.

The rejection alleges that paragraphs 8, 10, 20, and 26 of Armistead disclose these features. The paragraphs generally disclose a switch converting from circuit-switched to packet-switched data or vice versa. However, none of these paragraphs disclose deciding whether to use a circuit-switched connection or a packet-switched connection based on a determination of whether the destination node is remote to a gateway or local to a gateway. Thus, independent claim 6 is allowable.

Independent claim 8 recites,

a gateway using a first channel of a circuit-switched network to communicate between the gateway and a remote first node, and the gateway is communicatively coupled to the circuit-switched network and a packet-switched network,

the gateway using a second channel of the circuit-switched network to communicate with a remote second node that is remote relative to the gateway.

Thus, claim 8 has been amended to recite features similar to claim 1, which were included in the reasons for allowance. Thus, claims 8-14 are also allowable.

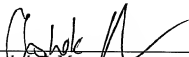
Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

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By



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